

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

2016 JUN 21 PM 2:43

CLERK OF COURT

James A. Banks

Plaintiff

4-16-cv-50729

Civil Action No.

v.
CWS Recovery

Defendant

COMPLAINT

ON 06-23-14 Mr. James Banks Vehicle WAS UNLAWFULLY / RECKLESSLY TOWED WITH MR. BANKS STILL INSIDE THE VEHICLE SCREAMING AND YELLING FOR JOHN DEANE TO STOP THE TOW TRUCK. THE SAFETY CHAINS WERE UNATTACHED WHILE THE VEHICLE WAS BEING TOWED. SEVERAL BLOCKS AWAY FROM 1216 FREEMAN ST. FT WORTH TX IN WHICH THERE WERE NO IN-FOOT SIGNS ENFORCED (PICK UP LOCATION) AT 1201 MANSFIELD AVE. FT WORTH TX. MR. JOHN DEANE DETACHED THE VEHICLE AFTER NOTICING SEVERAL INDIVIDUALS SCREAMING, YELLING, AND RUNNING AFTER BOTH MR. JAMES BANKS VEHICLE AND THE TOW TRUCK. THE POLICE SOON ARRIVED ON ROSEDALE AVE. IN FT WORTH TX WHERE MR. JOHN DEANE HAD DETACHED THE VEHICLE AND MR. JAMES BANKS PROCEEDED TO EXIT THE VEHICLE. AFTER QUESTIONING OF BOTH MR. JOHN DEANE, THE TOW TRUCK DRIVER AND MR. JAMES BANKS THE POLICE EXPLAINED TO PARTIES THAT IT WAS A ~~CIVIL~~ CIVIL MATTER AND THERE WAS NOTHING THE POLICE COULD DO UPON THE TOWING OF THE VEHICLE WHILE MR. JAMES BANKS WAS STILL INSIDE MR. JAMES BANKS SUBSTANTIATED BODILY INJURIES RESULTING IN THE NECK AND BACK AREA AS WELL AS EMOTIONAL DISTRESS. MR. BANKS IS CURRENTLY BEING SEEN BY A DOCTOR FOR THESE INJURIES AT THIS CURRENT TIME. THERE WAS ALSO DAMAGE DONE TO THE VEHICLE DUE TO THE TOWING IN WHICH THE BRAKE SYSTEM MALFUNCTIONED AND DAMAGE TO THE LOWER FRONT END

* Attach additional pages as needed.

Date

June 21, 2016

Signature

James A. Banks

Print Name

James A. Banks

Address

2527 Glencrest Dr

City, State, Zip

Fort Worth, Texas 76119

Telephone

817 319-2099

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JAMES A. Banks Tarrant

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

pro se

DEFENDANTS

C.W.S Recovery Tarrant

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> PERSONAL PROPERTY		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 892 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities Employment	<input type="checkbox"/> 535 Death Penalty Other:		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities Other	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | |
|---|---|--|---|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation |
|---|---|--|---|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause: *Towed with out probable cause with plaintiff inside vehicle*

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

LISA Woodard

DOCKET NUMBER

JPOG-H-TW00000135

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE

CASE NO. JP08-14-TW00000135

JAMES BANKS

VS.

CWS RECOVERY

IN THE JUSTICE COURT

PRECINCT EIGHT

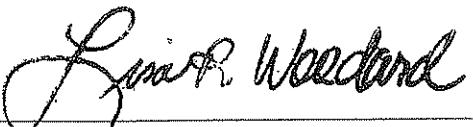
TARRANT COUNTY, TEXAS

JUDGMENT

This 30th day of July, 2014, came on to be heard the above numbered and entitled cause, and the Plaintiff(s) and Defendant(s) both appeared and announced ready for trial. The Court, after fully hearing the pleadings, evidence, and argument of parties, finds that probable cause did not exist to tow the vehicle in question.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that probable cause did not exist and that Plaintiff(s), James Banks, do have and recover from the Defendant(s), CWS Recovery, the sum of \$263.30 plus all costs of this suit, together with interest at the rate of 5.0000% compounded annually from the date of Judgment, and that a Writ of Execution issue.

SIGNED THIS 30th DAY OF July, 2014.



Judge Presiding